

ARTICLE XI. AREA, YARD AND HEIGHT REQUIREMENTS

Section 11.01. Table of requirements.

Area, yard and height requirements for the various districts shall be as follows:

		Minimum Lot Size(n)			Minimum Yard Requirements (a) (n) (t) (v)			
District		Area in Square Feet	Square Feet per Dwelling Unit	Lot Width in Feet	Front Yard Setback in Feet (b)	Side Yard Setback in Feet (b) (c) (d)	Rear Yard in Feet (b)	Maximum Height in Feet
A-1(r)		40,000	40,000	100	40	10(f)	30	50
R-40(r)		40,000	40,000	100	40	10(f)	30	50
R-40 MH (r)(v)		40,000	20,000	100	40	15(f)	30	50
R-20(r)		20,000	20,000	80	40	10(f)	30	50
R-20 MH (r)(v)		20,000	20,000	100	40	15(f)	30	50
R-15(r)		15,000	15,000	80	40	10(f)	30	50
R-15 MH (r)(v)		15,000	15,000	100	40	15(f)	30	50
R-12 MH		12,000	12,000	80	40	15(f)	25	50
R-8(r)		8,000	8,000	70	40	10(f)	25	50
R-6(r)								
	Single - family	6,000	6,000	60	30	8(f)	20	35
	Two-family	9,000	4,500	70	30	10(f)	25	35
R-6A(r)								
	Single - family	6,000	6,000	60	30	8(f)	20	35
	Two-family	9,000	4,500	70	30	10(f)	25	35
	Multifamily	11,000	(q)	80(1)	30	12(f)	30	50(s)

SFC(r)	7,000	7,000	50	20	8(f)	20	35
CU(p)	none	none	none	50	10(f)	30	50(s)
PSP(p)	none	none	none	30	10(f)	20	50
LOI	15,000	none	80	25	5(g)	20	35
HS	none	none	none	40(z)	5(z)	20(z)	150
MED	none	none	none	25	10 (aa)(bb)	20 (aa)(bb)	50
B-1(p)	none	none	none	25	5(g)	20	35(s)
B-2(p)	none	none	none	(k)	20	20	35
B-CS(p)	none	none	none	35	5(g) (u)	20	35
B-RT(p)	none	none	none	35	5(g) (u) (w)	20 (w)	35
B-4(p)	none	none	none	35	10(h)	20	35
B-5(p)	none	none	none	none	(i)	(i)	none
B-6(p)(x)	none	none	none	35	(g)	(g)	none
B-7(p)	none	none	none	35	10 (m)	20 (m)	50
M-1(p)	none	none	none	none	(i) (g)	(g) (i)	none
M-2(p)	none	none	none	none	(i) (g)	(g) (i)	none

(a)	See section 12.19.	(j)	Reserved.	(s)	See section 12.12
(b)	See section 12.02.	(k)	See section 12.22.	(t)	See section 12.26.
(c)	See section 12.08.	(l)	See section 12.01(1)(d).	(u)	See section 12.20(c).
(d)	See section 12.04.	(m)	See section 12.23.	(v)	Reserved.
(e)	See section 12.03.	(n)	See section 12.29.	(w)	See section 12.27.
(f)	See section 12.05.	(o)	Reserved.	(x)	See section 13.03(3) and (5).
(g)	See section 12.20(a).	(p)	See section 11.03.	(y)	See section 12.32.
(h)	See section 12.20(b).	(q)	See section 11.01a.	(z)	See section 12.33
(i)	See section 12.21.	(r)	See section 11.02.	(aa)	See Section 12.34
				(bb)	See Section 12.35

(Ord. No. 1976-57, § 1, 10-19-76; Ord. No. 1977-15, § 6, 4-5-77; Ord. No. 1977-52, § 1, 12-6-77; Ord. No. 1979-24, § 4, 5-15-79; Ord. No. 1979-25, § 4, 5-15-79; Ord. No. 1980-88, § 4, 10-21-80; Ord. No. 1980-99, § 4, 11-18-80; Ord. No. 1984-12, § 4, 2-7-84; Ord. No. 1984-37, § 4, 5-1-84; Ord. No. 1985-3, § 4, 1-15-85; Ord. No. 1985-30, §§ 1, 2, 4-2-85; Ord. No. 1985-85, § 1, 10-1-85; Ord. No. 1986-4, § 2, 1-7-86; Ord. No. 1986-18, §§ 2, 3, 4-1-86; Ord. No. 1986-85, § 1, 12-16-86; Ord. No. 1987-59, §§ 2, 3, 9-1-87; Ord. No. 1994-8, § 4, 3-1-94; **Ord. 1996-35; Ord. No. 1998-19; Ord. No. 1998-30; Ord. No. 2000-16; Ord No. 2000.32; Ord. No. 2001-38; Ord. No. 2003-60)**

Section 11.01.1. Densities for multifamily uses.

The following densities shall be the maximum allowable densities for multifamily dwellings in districts permitting multifamily uses, as indicated below:

	Column A	Column B	Column C
Number Dwelling Units	Multifamily Minimum Lot Area Required	(HD) Multifamily Minimum Lot Area Required	Central Business Area (Section 9.03(4)(c)) Minimum Lot Area Required
3	11,000	11,000	4,400
4	11,616	11,616	4,646
5	14,520	14,520	5,808
6	18,668	17,242	6,970
7	21,780	20,328	8,131
8	24,891	23,232	9,293
9	28,002	26,136	10,454
10	31,114	29,040	11,616
11	39,930	29,947	11,979
12	43,560	32,670	13,068
13	47,190	35,392	14,157
14	50,820	38,115	15,246
15	54,450	40,837	16,335
16	58,080	43,560	17,424

17	61,710	46,282	18,513
18	65,340	49,005	19,602
19	68,970	51,727	20,691
20	72,600	54,450	21,780
21	83,160	55,000	22,000

Column A: Lot area requirements for more than twenty-one (21) dwelling units shall be computed at a maximum of eleven (11) dwelling units per acre.

Column B: Lot area requirements for more than twenty-one (21) dwelling units shall be computed at a maximum of seventeen (17) dwelling units per acre.

Column C: Lot area requirements for more than twenty-one (21) dwelling units shall be computed at a maximum of forty-one (41) dwelling units per acre.

(Ord. of 5-7-74, § 4; Ord. No. 1975-22, § 1, 4-15-75; Ord. No. 1981-26, § 3, 6-2-81; Ord. No. 1986-72, § 1, 11-4-86)

Section 11.02. Area, yard and height requirements for permitted nonresidential uses in residential districts.

The minimum lot size and the minimum yard requirements and the maximum height for nonresidential uses as permitted in residential districts shall be as follows:

In A-1, R-20, R-15 and R-8 districts the requirements for each respective district as set out in section **11.01** of this ordinance.

In an R-6 district those requirements as set out for two-family in an R-6 district in section **11.01** of this ordinance.

For an R-6A district those requirements as set out for multifamily in an R-6A district in section **11.01** of this ordinance.

(Ord. of 11-5-68, § 1; Ord. No. 1975-22, § 2, 4-15-75; Ord. No. 1977-15, § 7, 4-5-77; **Ord. No. 1996-35**)

Section 11.03. Residential use in nonresidential districts.

(1) Buildings erected or established for dwelling purposes exclusively in any nonresidential district in which residential use is permitted shall comply with the minimum lot size and minimum yard requirements for the R-6A district of section **11.01** for the applicable type residential structure. Accessory buildings or structures related to residential uses in nonresidential districts shall comply with the requirements and standards of the R-6A district for accessory buildings or structures.

(2) Buildings erected for mixed **uses**, including a residential use, shall comply with the minimum lot size requirements for the R-6A district of section **11.01**. Each story of such building used in any part for dwelling purposes shall be provided with at least the minimum yard requirements for the applicable type residential use as set out for the R-6A residential district of section **11.01**.

(3) The conversion of existing structures over two (2) stories high for residential or mixed use with residential, where at least sixty-five (65) percent of the floor area is for residential use, shall be exempt from the requirements of subsection (2) provided:

- (a) The total floor area of the building shall not exceed three (3) times the total lot area encumbered by the building permit and/or certificate of occupancy.
- (b) The building shall not occupy more than sixty (60) percent of the total lot area encumbered by the building permit and/or certificate of occupancy.
- (c) That an area equal to at least ten (10) percent of the gross yard area shall be landscaped with vegetation and located within the gross yard area not occupied by the building.
- (d) That accessory structure(s) shall cover no more than forty (40) percent of the gross yard area not occupied by the building.

(4) Residential uses within the area bounded by the Horah, Church, Kerr and Lee Streets (the central business area) shall be exempt from the requirements of paragraphs (1), (2) and (3) of this section, and the following standards shall be the minimum requirements for a residential use or for a mixed occupancy including a residential use:

- (a) There shall be no minimum lot area requirement for a single-family dwelling.
- (b) The minimum lot area for a two-family dwelling unit shall be three thousand (3,000) square feet.
- (c) The density standards of section **11.01.1** shall apply to multifamily use, except that there shall be no maximum densities for multifamily dwelling units located in type I or type II construction (fireproof) as specified in N.C. Building Code.
- (d) One (1) wall of the principal living area or principal sleeping area in such dwelling unit shall be an exterior building wall, and there shall be at least one (1) operating window that may be opened and closed serving each such principal living or sleeping area of each dwelling unit.
- (e) In the conversion or modification of any structure for residential use, or mixed use with residential, each dwelling unit shall be separated by a minimum two-hour fire rated separation, except that the standard N.C. Building Code fire rating requirements shall be applicable for each dwelling unit in type I and type II construction of that code.
- (f) In a structure containing residential use, each nonresidential use with a gross floor area over six hundred (600) square feet shall be separated from any other use with a minimum fire rating of one (1) hour.
- (g) On each floor level there shall be at least one (1) ten-pound type ABC multipurpose fire extinguisher and one (1) smoke detector per fifty (50) feet of travel distance in any interior common area containing three (3) or more dwelling units.
- (h) In any duct piercing a fire rated separation of a dwelling unit, an approved fire damper shall be installed.

(5) The height limitation for a residential structure in a nonresidential district shall be that of the nonresidential district in which the residential structure is located.

(Ord. of 11-5-68, § 1; Ord. No. 1978-50, § 1, 11-7-78; Ord. No. 1979-9, § 1, 2-20-79; Ord. No. 1981-26, § 2, 6-2-81; Ord. No. 1985-4, § 1, 1-15-85; Ord. No. 1986-72, § 3, 11-4-86; **Ord. No. 1996-35**)

Section 11.04. Setback measurements

Setback measurements for principal structures as listed in Section 11.01 shall be measured according to the following guidelines:

- 1. Steps, porches, decks, attached garages, or other similar structures shall be considered as part of the principal structure and must meet all required setbacks.**
- 2. Handicap ramps may be allowed to encroach into the required yard setbacks.**

(Ord. No. 2002-25)

Section 11.05. Location of yards relative to buildings, property lines, streets, and other buildings.

It is the intent of the definition of the terms ``yard," ``front yard," ``rear yard," and ``side yard" in section 4.02 of this ordinance that:

- (1) What is normally considered or traditionally accepted as the front of a building faces a public street;
- (2) That which is normally considered or traditionally accepted as the rear of a building be exposed to the rear of the lot;
- (3) That which is normally considered or traditionally accepted as the sides of a building be exposed to the sides of the lot.

However, there are situations where this conventional or traditional practice is not observed. Where the traditional practice is not observed, the following criteria shall apply:

- (1) On corner lots, the front yard shall be as stipulated in the definition for front yard to the effect that an interpretation shall not be so construed as to result in the front of the building facing on a side yard.
- (2) That when a building is placed on an interior lot or in a group development in such a manner that the front of the building does not face the street, the front yard setback requirement for the district in which it is located shall be provided from the street; the rear yard requirement from the rear property line shall be provided; and, the setback distance from the side property lines shall be that required for front yard and rear yard, respectively, relative to the design of the building.
- (3) That in a group development which contains two (2) or more buildings, there shall be a minimum yard requirement between buildings which shall be that stated in section **11.01**, table of requirements, for the district in which it is located but shall not be less than a minimum yard requirement of ten (10) feet between buildings. The front, side, and rear of a building shall be determined by the overall design of the building. Front, side, and rear minimum yard requirements for the district in which it is located shall apply.

(Ord. No. 1984-11, §§ 1, 2, 2-7-84; **Ord. No. 1996-35**)